

**UNITED STATES BANKRUPTCY COURT  
Eastern District of Virginia  
Richmond Division**

IN RE: Adrian St. Aubin Bailey

Debtor(s)

Case Number: 19-35359-KRH

Chapter 13

**NOTICE OF APPEARANCE AND  
OBJECTION TO CONFIRMATION OF PLAN**

COMES NOW H. Darden Hutson, Counsel for Zena Hollinger and objects to the confirmation of the debtor's chapter 13 plan dated June 15, 2020 (the "Plan") and in support thereof states:

1. The debtor filed this chapter 13 petition on October 10, 2019.
2. This objection is filed pursuant to 11 U.S.C. §1325(a)(3)(4)&(5).
3. The objecting creditor ("Hollinger") is the ex-spouse of the debtor such divorce being granted October 31, 2014 in the Circuit Court of Alexandria the Order thereon incorporating a Property Settlement Agreement ("PSA") dated October 7, 2014.
4. The PSA awards the equity in 8770 Brays Ford Drive, Glen Allen Virginia (the "real estate") to Hollinger (40%) and 30% each to the debtor's two children (now 21 and 16 years).
5. The debtor has incurred post divorce obligations to the homeowners association and real property taxes which are obligations of the owners of the property and per the PSA the debtor is to indemnify Hollinger.
6. Neither Hollinger or the two children were identified in the debtor's petition as creditors.
7. Hollinger holds the real estate owned by the debtor as tennant in common.
8. The Alexandria Circuit Court has ordered the debtor to sell the real estate and comply with the Divorce Decree.
9. There is a second deed of trust on the real estate to the benefit of Suntrust Bank in the amount of approximately \$82,000. The Suntrust obligation is not identified or resolved in the debtor's petition.
10. Upon information, the debtor receives income from tenants in the property which income is not disclosed in the petition.
11. Throughout the four bankruptcy petitions filed by the debtor since February 2015 the debtor has accumulated approximately three years of non payment of the first mortgage and has disregarded entirely payment of the second mortgage to Suntrust.

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12. The petition is not filed in good faith, the debtor is not paying secured and priority creditors through the plan and the debtor is not committing all excess income to the plan as required.

WHEREFORE for the reasons stated herein, creditor Hollinger moves the court deny confirmation of the Debtor's proposed chapter 13 plan and for such further and other relief as the Court deem just and necessary.

Respectfully submitted  
Zena Hollinger  
By counsel

By: /s/H. Darden Hutson  
Counsel for Creditor Zena Hollinger  
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#### NOTICE OF OBJECTION TO CONFIRMATION

H. Darden Hutson on behalf of creditor Zena Hollinger has filed papers with the Court objecting to confirmation of your chapter 13 plan dated June 15, 2020.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before three (3) days before the date of the hearing you or your attorney must:

  X   File with the Court, at the address shown below, a written response to the objection pursuant to Local Bankruptcy Rule 9013-1(H). **Unless a written response is filed and served by the date specified, the court may decide that you do not oppose the objection to your claim.** If you mail your response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above.

**Clerk US Bankruptcy Court  
701 E Broad Street, 4<sup>th</sup> Fl.  
Richmond VA 23219**

You must also mail a copy to:

Suzanne E. Wade  
PO Box 1780  
Richmond, VA 23218-1780

H. Darden Hutson  
4807 Hermitage Road #205  
Richmond VA 23227

\_X\_ Attend the hearing on the objection scheduled to be held on July 29, 2020 at 11:10AM at U.S. Bankruptcy Court, 701 East Broad Street, Room 5000, Richmond Virginia which hearing may be held telephonically.

If you or your attorney do not take these steps, the Court may decide that you don't oppose the objection and may enter an order granting that relief.

Date: July 22, 2020

Notice provided by:

/s/H. Darden Hutson

VSB 29069

Fresh Start Law Office PLLC

4807 Hermitage Road #205

Richmond VA 23227

804 266 4680

Certificate of Service

I hereby certify that true and correct copies of the foregoing were mailed postage pre paid or delivered via ECF to the US Trustee, the trustee in this cause and all parties in interest

Suzanne Wade, Trustee Via ECF

James Kane, Counsel for Debtor VIA ECF

Adrian Bailey

8770 Bray Fork Drive

Glen Allen VA 23060

this July 22, 2020.

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/s/H. Darden Hutson